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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,680

Applicant(s)

IRWIN, CHARLES F.

Examiner

RODNEY HENRY

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 3, 9, 11, 13-15, 19, 23, 29, 35 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 10, 12, 16, 17, 18, 20-22, 24-28, 30-34, 36-38, 40-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a non-final office action on the merits. Claims 1-47, are currently pending and have been considered below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-20, 43, 44, and 47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1-20, 43, 44, and 47 as best understood, it appears that the claimed method steps or processes are not statutory. Based on Supreme Court precedent¹ and Federal Circuit decisions a §101 process must

(1) be meaningfully tied to another statutory class (such as a particular apparatus) or

(2) transform underlying subject matter (such as an article or materials) to a different state or thing.²

The independent claim is directed towards steps of “selecting”, “specifying”, “collecting and storing”, “analyzing”, and “determining”. Since the claims are directed to a method or a process without imposing meaningful limits on the method claim’s scope

¹ *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

² The Supreme Court recognized that this test is not necessarily fixed or permanent and may evolve with technological advance. *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972).

(beyond data gathering and outputting, as two examples), these claims are non-statutory.

Use of computers, databases, servers, etc for the internet should be stated explicitly.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 6, 7, 12, 20, 21, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perre et al. (US 20040024707), in view of Li et al. (US 20030004850).**

As per Claim 1:

Perre et al. discloses a method carried out via an internet website for effectuating one or more incentive programs between two or more partners in a supply community which enables a first partner (also known as an "establishing partner") to establish financial consequences that motivate one or more other partners in each incentive program (referred to herein as one or more "participating partners") to achieve or exceed a minimum required level of performance on at least one performance indicator that measures aggregate performance for a set of events defined by a time or count period wherein the one or more participating partners, the performance indicators, the minimum level of performance required for each performance indicator, and the

financial consequence for each performance indicator are selected and specified by the establishing partner, the method including the steps of:

for each incentive program, inputting into the internet website a selection of at least one performance indicator that measures aggregate performance for a set of events defined by a time or count period for each participating partner,

and inputting into the internet website a minimum level of performance for each of the at least one performance indicators in each incentive program;

entering into the internet website a financial consequence to motivate the at least one participating partner to achieve or the minimum required level of performance in each incentive program; and

outputting from the internet website a financial credit or financial debit due to the participating partner for the time or event count period in each incentive program (see Claim 12 via surcharges or discount rates during a monthly period, and minimum number of periods required for the merchants in categories).

Perre et al. does not explicitly disclose sending invitations from an internet website to one or more members of a supply community to become one or more participating partners in one or more incentive programs.

However, Li et al. discloses sending invitations from an internet website to one or more members of a supply community to become one or more participating partners in one or more incentive programs (see paragraph [0119] via inviting suppliers to make bundled bids).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add sending invitations from an internet website to one or more members of a supply community to become one or more participating partners in one or more incentive programs to the system of Perre et al.. One would have been motivated to do this in order to open up the program to several suppliers by invitation.

As per Claims 6, 26:

Perre et al. discloses the consequence for a selected incentive is a financial reward favorable to the at least one participating partner (see claim 12 via discount rates).

As per Claims 7, 27:

Perre et al. discloses the consequence for a selected incentive is a financial reward favorable and a financial penalty unfavorable to the at least one participating partner when the minimum required level of performance is not achieved (see claim 12 via surcharges).

As per Claim 12:

Perre et al. discloses the establishing partner can specify the time or count measurement period of the selected performance indicators and designate the minimum required level of performance and the consequence for each selected performance indicator the at least one selected partner (see claim 12).

As per Claim 20:

Perre et al. does not explicitly disclose collecting and storing data necessary to calculate the selected performance indicators wherein the data quantitatively describes the product or service provided and the means of providing the product or service using selected attributes.

However Li et. al. discloses collecting and storing data necessary to calculate the selected performance indicators wherein the data quantitatively describes the product or service provided and the means of providing the product or service using selected attributes (see paragraphs [0050, 0141] via calculating of performance penalties on the basis of performance attributes).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add collecting and storing data necessary to calculate the selected performance indicators wherein the data quantitatively describes the product or service provided and the means of providing the product or service using selected attributes to the system of Perre et al.. One would have been motivated to do this in order to tie penalties to performance attributes.

As per Claim 21:

Perre et al. discloses a system for effectuating collaboration between one or many buyers and sellers, and their third party service providers in a supply community by operating an incentive program which enables an establishing partner to establish consequences that motivate one or more to achieve or exceed a minimum required level of performance on at least one performance indicator that measures aggregate

performance for a set of events defined by a time or count period wherein the other partners, the performance indicators, the minimum level of performance required for each performance indicator, and the consequences for each performance indicator are selected and specified by the establishing partner, the system comprising:

means for the establishing party to select at least one performance indicator for each participating partner and to specify the minimum aggregated measure of performance and-the and a financial consequence for the at least one selected indicator for a set of events defined by a time or count period;

means for collecting and storing data necessary to calculate an aggregated measure of performance of the at least one partner on the at least one selected performance indicator;

means for analyzing the collected and stored data to generate an aggregated measure of performance for the time or event count period; and

means for determining the financial credit or financial debit due to the at least one selected and participating partner for the time or event count period (see Claim 12 via surcharges or discount rates during a monthly period, and minimum number of periods required for the merchants in categories).

Perre et al. does not explicitly disclose means for inviting at least one member of the community to be a participating partner in the incentive program.

However, Li et al. discloses means for inviting at least one member of the community to be a participating partner in the incentive program (see paragraph [0119] via inviting suppliers to make bundled bids).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add means for inviting at least one member of the community to be a participating partner in the incentive program to the system of Perre et al.. One would have been motivated to do this in order to open up the program to several suppliers by invitation.

6. Claims 2, 4, 5, 22, 24, 25, 32, 34, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perre et al. (US 20040024707), in view of Li et al. (US 20030004850), and further in view of Walker et al. (US 20030064788).

As per Claim 2:

Perre et al. does not explicitly disclose at least one participating partner is from a group of one or more partners where the group is defined by a common attribute that does not include the establishing partner.

However Walker et. al. discloses at least one participating partner is from a group of one or more partners where the group is defined by a common attribute that does not include the establishing partner (see paragraph [0142]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add at least one participating partner is from a group of one or more partners where the group is defined by a common attribute that does not include the establishing partner to the system of Perre et al.. One would have been motivated to do this in order to ensure partners can work well together.

As per Claim 4:

Perre et al. discloses the establishing partner selects a group of at least one other partner and all partners in the selected group of partners share a common attribute.

However Walker et. al. discloses the establishing partner selects a group of at least one other partner and all partners in the selected group of partners share a common attribute (see paragraph [0142]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner selects a group of at least one other partner and all partners in the selected group of partners share a common attribute to the system of Perre et al.. One would have been motivated to do this in order to ensure partners can work well together.

As per Claim 5:

Perre et al. discloses the establishing partner selects at least one other partner from more than one group of partners, each group having at least one other partner.

However, Walker et al. discloses the establishing partner selects at least one other partner from more than one group of partners, each group having at least one other partner (see paragraph [0142]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner selects at least one other partner from more than one group of partners, each group having at least one

other partner to the system of Perre et al.. One would have been motivated to do this in order to ensure partners can work well together]).

As per Claim 22:

Perre et al. does not explicitly disclose at least one participating partner is selected from a group of one or more partners where the group is defined by a common attribute and does not include the group of the establishing partner.

However Walker et. al. discloses at least one participating partner is selected from a group of one or more partners where the group is defined by a common attribute and does not include the group of the establishing partner (see paragraph [0142]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add at least one participating partner is selected from a group of one or more partners where the group is defined by a common attribute and does not include the group of the establishing partner to the system of Perre et al.. One would have been motivated to do this in order to ensure partners can work well together.

As per Claim 24:

Perre et al. doe not explicitly disclose the establishing partner selects a group of at least one other partner where the at least one other partner in the selected group of partners shares a common attribute.

However Walker et. al. discloses the establishing partner selects a group of at least one other partner where the at least one other partner in the selected group of partners shares a common attribute (see paragraph [0142]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner selects a group of at least one other partner where the at least one other partner in the selected group of partners shares a common attribute to the system of Perre et al.. One would have been motivated to do this in order to ensure partners can work well together.

As per Claim 25:

Perre et al. does not explicitly disclose the establishing partner selects at least one other partner from more than one group of partners each group having at least one other partner.

However Walker et. al. discloses the establishing partner selects at least one other partner from more than one group of partners each group having at least one other partner (see paragraph [0142]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner selects at least one other partner from more than one group of partners each group having at least one other partner to the system of Perre et al.. One would have been motivated to do this in order to ensure partners can work well together.

As per Claim 32:

Perre et al. discloses the establishing partner can establish the time or count measurement period of the selected performance indicators and designate the minimum required level of performance and the consequence for each selected performance indicator for at least one selected partner (see claim 12)

As per Claim 34:

Perre et al. discloses the establishing partner must specify a time or count incentive program duration period that is greater than the specified time or count measurement period for the at least one selected performance indicator (see claim 12).

As per Claim 40:

Perre et al. discloses the system is modular in design and the modules include a customer care module, a data entry and management module, an incentive program creation and management module and an account management module (see paragraphs [0180, 0186, 0189], FIGS. 16-18 and Claim 1).

7. Claims 8, 28, 33, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perre et al. (US 20040024707), in view of Li et al. (US 20030004850), in view of Ariff et al. (US 2003/0187802).

As per Claims 8, 28:

Perre et al. does not explicitly disclose the consequence for a selected incentive is a financial reward that is less than or more than the net cost savings realized by the establishing partner for each unit increment improvement in performance when the at least one participating partner achieves and exceeds the minimum required level of performance on the at least one performance indicator.

However, Ariff et al. discloses the consequence for a selected incentive is a financial reward that is less than or more than the net cost savings realized by the establishing partner for each unit increment improvement in performance when the at least one participating partner achieves and exceeds the minimum required level of performance on the at least one performance indicator (see paragraph [0075]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the consequence for a selected incentive is a financial reward that is less than or more than the net cost savings realized by the establishing partner for each unit increment improvement in performance when the at least one participating partner achieves and exceeds the minimum required level of performance on the at least one performance indicator to the system of Perre et al.. One would have been motivated to do this in order to keep partners accountable.

As per Claim 33:

Perre et al. does not explicitly disclose the establishing partner can specify the time or count incentive program duration period for each incentive for at least one selected partner.

However, Ariff et al. discloses the establishing partner can specify the time or count incentive program duration period for each incentive for at least one selected partner (see paragraph [0078]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner can specify the time or count incentive program duration period for each incentive for at least one selected partner to the system of Perre et al.. One would have been motivated to do this in order to manage the incentive program effectively.

As per Claim 41:

Perre et al. discloses the customer care module provides information for prospective partners, and provides new partners with information, communication tools and training tools;

the master data entry and management module maintains the required and necessary master data about each business and locations;

the transaction module enters and manages the data that drives the performance and incentive modules;

the performance module evaluates the performance of each participating partner against the key performance indicators; and

the account management module provides a monthly financial report and invoice for each partner (see paragraphs [0029, 0180]).

Perre et al. does not explicitly disclose the establishing partner can specify the time or count incentive program duration period for each incentive for at least one selected partner.

However, Ariff et al. discloses enrolls joining partners, and the incentive program creation and management module provides the partners with means to create and manage their own incentive programs (see paragraphs [0104, 0103, 0107]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add enrolls joining partners, and the incentive program creation and management module provides the partners with means to create and manage their own incentive programs to the system of Perre et al.. One would have been motivated to do this in order to manage the incentive program effectively.

8. Claims 10, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perre et al. (US 20040024707), in view of Li et al. (US 20030004850), in view of D'Antoni et al. (US 2003/0139996).

As per Claims 10, 31:

Perre et al. does not explicitly disclose the consequence for a selected incentive program is a financial reward favorable to the at least one selected partner and a financial penalty unfavorable to the at least one selected partner when the minimum required level of performance is not achieved and the at least one selected partner may elect to or not to participate in the selected incentive program.

However, D'Antoni et al. discloses the consequence for a selected incentive program is a financial reward favorable to the at least one selected partner and a financial penalty unfavorable to the at least one selected partner when the minimum

required level of performance is not achieved and the at least one selected partner may elect to or not to participate in the selected incentive program (see paragraph [0017]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the consequence for a selected incentive program is a financial reward favorable to the at least one selected partner and a financial penalty unfavorable to the at least one selected partner when the minimum required level of performance is not achieved and the at least one selected partner may elect to or not to participate in the selected incentive program to the system of Perre et al.. One would have been motivated to do this in order to allow for flexibility within the partnering system.

As per Claim 30:

Perre et al. does not explicitly disclose the consequence for a selected incentive program is a financial reward favorable to the at least one selected partner and the at least one selected partner the at least one selected partner must participate in the selected incentive program.

However, D'Antoni et al. discloses the consequence for a selected incentive program is a financial reward favorable to the at least one selected partner and the at least one selected partner the at least one selected partner must participate in the selected incentive program (see paragraph [0017]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the consequence for a selected incentive program is a financial reward favorable to the at least one selected partner and the at

least one selected partner the at least one selected partner must participate in the selected incentive program to the system of Perre et al.. One would have been motivated to do this in order to allow for flexibility within the partnering system.

9. Claims 16, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perre et al. (US 20040024707), in view of Li et al. (US 20030004850), in view of Marshall (US 2002/0116266).

As per Claim 16:

Perre et al. does not explicitly disclose the establishing partner may increase any favorable reward or reduce the minimum required level of performance for a selected incentive program anytime during the time or count incentive program duration period for that incentive.

However, Marshall et al. discloses the establishing partner may increase any favorable reward or reduce the minimum required level of performance for a selected incentive program anytime during the time or count incentive program duration period for that incentive (see paragraph [0057]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner may increase any favorable reward or reduce the minimum required level of performance for a selected incentive program anytime during the time or count incentive program duration period for that incentive to the system of Perre et al.. One would have been motivated to do this in order to add flexibility to the incentive program.

As per Claim 36:

Perre et al. does not explicitly disclose the establishing partner may increase any favorable reward or reduce the minimum required level of performance for a specified incentive program anytime during the time or count incentive program duration for the selected incentive program.

However, Marshall et al. discloses the establishing partner may increase any favorable reward or reduce the minimum required level of performance for a specified incentive program anytime during the time or count incentive program duration for the selected incentive program (see paragraph [0057]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner may increase any favorable reward or reduce the minimum required level of performance for a specified incentive program anytime during the time or count incentive program duration for the selected incentive program to the system of Perre et al.. One would have been motivated to do this in order to add flexibility to the incentive program.

10. Claims 17, 18, 37, 38, 42 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perre et al. (US 20040024707), in view of Li et al. (US 20030004850), in view of Magowan et al. (US 2005/0144075).

As per Claims 17, 37:

Perre et al. does not explicitly disclose the establishing partner may lower the time or count measurement period at anytime.

However, Magowan et al. discloses the establishing partner may lower the time or count measurement period at anytime (see paragraph [0091]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner may lower the time or count measurement period at anytime to the system of Perre et al.. One would have been motivated to do this in order to add flexibility to the incentive program.

As per Claims 18, 38:

Perre et al. does not explicitly disclose the establishing partner may change the time or count measurement period at anytime provided that the time or count measurement is not longer than the time of count incentive program duration period.

However, Magowan et al. discloses the establishing partner may change the time or count measurement period at anytime provided that the time or count measurement is not longer than the time of count incentive program duration period (see paragraph [0091]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner may change the time or count measurement period at anytime provided that the time or count measurement is not longer than the time of count incentive program duration period to the system of Perre et al.. One would have been motivated to do this in order to add flexibility to the incentive program.

As per Claims 42, 47:

Perre et al discloses the establishing partner selects a group of partners and all partners in the selected group of partners share a common attribute, the establishing partner selects partners from more than one group of partners, the consequence for a selected performance indicator may be more than or less than the net cost savings realized by the establishing partner for each unit improvement in the at least one performance indicator, the at least one selected partner must participate in all incentive programs with all establishing partners, the at least one selected partners may elect to participate or not participate in any incentive program with any establishing partner, the establishing partner can specify the time and count measurement duration for each incentive for each other partner, the establishing partner can specify the time or count program duration for each incentive for at least one selected partner, the establishing partner can specify the minimum required level of performance for a selected performance indicator with at least one selected partner (see paragraph [0075] and FIGS. 16-18).

Perre et al. does not explicitly disclose the establishing partner may change the time or count measurement at anytime provided that the time or count measurement period is not longer than the time or count incentive program duration period, and the establishing partner may discontinue an incentive program at anytime after the completion of the time or count duration period for that incentive program.

However, Magowan et al. discloses the establishing partner may change the time or count measurement at anytime provided that the time or count measurement period

is not longer than the time or count incentive program duration period, and the establishing partner may discontinue an incentive program at anytime after the completion of the time or count duration period for that incentive program (see paragraph [0091]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner may change the time or count measurement at anytime provided that the time or count measurement period is not longer than the time or count incentive program duration period, and the establishing partner may discontinue an incentive program at anytime after the completion of the time or count duration period for that incentive program to the system of Perre et al.. One would have been motivated to do this in order to add flexibility to the incentive program.

11. Claim 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perre et al. (US 20040024707), in view of Li et al. (US 20030004850), in view of Shaya et al. (US 2002/0161664).

As per Claim 43:

Perre et al. does not explicitly disclose the establishing partner and the at least one selected partner may be in the same corporate entity.

However, Shaya et al. discloses the establishing partner and the at least one selected partner may be in the same corporate entity (see paragraph [0190]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner and the at least one

selected partner may be in the same corporate entity to the system of Perre et al.. One would have been motivated to do this in order to support corporate entities such as retail stores.

As per Claim 44:

Perre et al. does not explicitly disclose the establishing partner and the at least one selected partner may be in the same corporate entity.

However, Shaya et al. discloses the establishing partner and the at least one selected partner may be in the same corporate entity (see paragraph [0190]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner and the at least one selected partner may be in the same corporate entity to the system of Perre et al.. One would have been motivated to do this in order to support corporate entities such as retail stores.

As per Claim 45:

Perre et al. does not explicitly disclose the establishing partner and the at least one selected partner may be in the same corporate entity.

However, Shaya et al. discloses the establishing partner and the at least one selected partner may be in the same corporate entity (see paragraph [0190]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner and the at least one selected partner may be in the same corporate entity to the system of Perre et al.. One

would have been motivated to do this in order to support corporate entities such as retail stores.

As per Claim 46:

Perre et al. does not explicitly disclose the establishing partner and the at least one selected partner may be in the same corporate entity.

However, Shaya et al. discloses the establishing partner and the at least one selected partner may be in the same corporate entity (see paragraph [0190]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the establishing partner and the at least one selected partner may be in the same corporate entity to the system of Perre et al.. One would have been motivated to do this in order to support corporate entities such as retail stores.

Response to Arguments

12. The applicant's arguments are moot in light of the new grounds of rejection above.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Monday through Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6102.

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RMH

/Arthur Duran/

Primary Examiner, Art Unit 3622